

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

FILED

MAGISTRATE JUDGE KEYS

June 19, 2008
JUN 19 2008

CASE NUMBER:

CLEMENTE GUZMAN

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 15, 2000 in Cook County, in the Northern District of Illinois defendant did,

willfully and knowingly make a false statement in an application for a passport with the intent to induce and secure the issuance of a passport under the authority of the United States, for his own use, contrary to the laws of the United States, and thereafter willfully and knowingly used a passport which was secured by making false statements,

in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent with the Diplomatic Security Service (DSS), and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

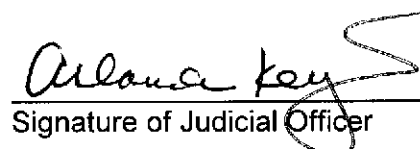

Christopher Hardy, Complainant

Sworn to before me and subscribed in my presence,

June 19, 2008
Date

at Chicago, Illinois
City and State

U.S. Magistrate Judge Arlander Keys
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK)

AFFIDAVIT

I, Christopher Hardy, first being duly sworn, state the following under oath:

1. I am a Special Agent with the Diplomatic Security Service (DSS), United States Department of State, and have been employed as such since September 2006. Prior to this, I was a Special Agent, Counterintelligence, Department of the Army. As a Special Agent with DSS, I am currently assigned to the Chicago Field Office. My duties include investigations of passport and visa fraud. I am an "Investigative or Law Enforcement Officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations and to make arrests for felony offenses.

2. The information contained in this affidavit is based on my personal knowledge as well as information provided to me by other law enforcement officers. This affidavit is in support of a complaint charging CLEMENTE GUZMAN with making false statements in a passport application, and using a passport secured by making false statements, in violation of Title 18, United States Code, Section 1542. This affidavit does not contain all of the information known to me regarding this investigation; but rather, only those facts I believe necessary to establish probable cause that GUZMAN committed the charged offense.

3. I know from my training and experience that the United States Department of State is responsible for issuing United States Passports to United States citizens. A United States citizen requesting a passport is required to execute Department of State Form DS-11, Application

for a United States Passport, before an authorized acceptance agent. At the time of application, the applicant must provide proof of United States citizenship and identity. The proof of identity and citizenship provided by the applicant are documented on Form DS-11 by the acceptance agent, as well as by a representative of the State Department's issuing office.

4. On June 15, 2000, a man purporting to be Individual A, but later identified as CLEMENTE GUZMAN, executed Form DS-11, Application for United States Passport, before an authorized acceptance agent at the Cicero Post Office, 2440 South Laramie Avenue, Cicero, Illinois, 60650-9998. As proof of citizenship, GUZMAN provided a State of Illinois birth certificate in the name of Individual A with a date of birth of July 29, 1974. As proof of identity, GUZMAN provided an Illinois identity card, issued November 10, 1995 in the name of Individual A, with a date of birth of July 29, 1974. GUZMAN signed the DS-11 under oath using the name "Individual A." GUZMAN also submitted a photograph of himself. By signing the form DS-11, GUZMAN declared the statements made on the DS-11 were true and correct and that the photograph attached was a true likeness of him.

5. According to Consular Consolidated database records, on July 7, 2000, the United States Department of State issued GUZMAN a US Passport #027068457, with Guzman's photograph, and Individual A's identifying information.

6. According to the Treasury Enforcement Communications System, on August 26, 2000, GUZMAN used the passport to enter the United States at Atlanta Hartsfield International Airport, Atlanta, GA.

7. On April 19, 2007, Individual A applied for a passport using his own identifying information, including an original birth certificate and other documents to substantiate his claim of identity.

8. On July 27, 2007, DSS Special Agent Nagy and I interviewed Marisa Villarreal-Alba, the wife of Individual A. Villarreal-Alba claimed Individual A was her husband, and that they had been married since April 1996. Villarreal-Alba was shown the photograph of the person who submitted and signed the DS-11 executed in Individual A's identity on June 15, 2000. Villarreal-Alba identified the individual in the photograph as CLEMENTE LNU. Villarreal-Alba told agents CLEMENTE LNU worked with her husband and herself at Clear Pack in Franklin Park, IL.

9. On August 8, 2007, I interviewed Candice Lopez, Human Resources and Safety Manager at Clear Pack, 11610 Copenhagen Court, Franklin Park, IL. Lopez was asked if she remembered an individual by the first name of CLEMENTE LNU working at Clear Pack. Lopez said there was a CLEMENTE GUZMAN previously employed at Clear Pack, and showed me a photograph of GUZMAN. The Clear Pack photograph of GUZMAN resembles the photograph of the individual submitted with the DS-11 executed in the identity of Individual A on June 15, 2000. Lopez identified the photograph GUZMAN provided on the DS-11 as CLEMENTE GUZMAN. Lopez also provided company records providing the following information for GUZMAN: DOB November 23, 1974 and Naturalization Number A38475635.

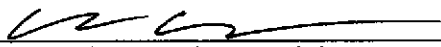
10. On August 9, 2007, I verified with the United States Citizen and Immigration Services the Resident Alien Number A38475635 that GUZMAN provided to Clear Pack. The number is assigned to Individual B.

11. On August 9, 2007, I obtained the IL Drivers License G25510074333 and IL Identification card 25510074333G of CLEMENTE GUZMAN from the Chicago High Intensity Drug Trafficking Task Force. The photographs of these cards resemble the individual in the photograph submitted with the DS-11 executed on June 15, 2000 in the name of Individual A.

Conclusion

WHEREFORE, Affiant submits that the foregoing evidence establishes that CLEMENTE GUZMAN violated Title 18, United States Code, Section 1542, namely, by willfully and knowingly making a false statement in an application for a passport with the intent to induce and secure the issuance of a passport under the authority of the United States and by willfully and knowingly using a passport that was secured through false statements.

FURTHER AFFIANT SAYETH NOT.


Christopher Hardy, Special Agent
Bureau of Diplomatic Security

SUBSCRIBED TO AND SWORN BEFORE
me this 19th day of June


ARLANDER KEYS
UNITED STATES MAGISTRATE JUDGE